

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DONNA WOOD, et al., individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

20 Civ. 2489 (LTS) (GWG)

**DECLARATION OF  
ELISE M. BLOOM, ESQ.,  
IN OPPOSITION TO PLAINTIFFS’  
MOTION TO SUBSTITUTE  
WISCONSIN CLASS  
REPRESENTATIVE**

I, Elise M. Bloom, Esq., declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a member of the law firm Proskauer Rose LLP, attorneys for Defendant Mike Bloomberg 2020, Inc. (the “Campaign”) in the above-captioned action. I am fully familiar with the facts set forth herein. I submit this declaration as part of the Campaign’s opposition to Plaintiffs’ February 10, 2023 Motion to Substitute Wisconsin Class Representative.

2. On or about August 29, 2022, counsel for the Campaign sent correspondence to counsel for Plaintiffs to confirm that the parties were in agreement as to the scope of the production of Electronically Stored Information, which would include the Campaign searching for and making productions from about one hundred custodians.

3. On or about September 29, 2022, counsel for Plaintiffs wrote to counsel for the Campaign via email stating that, “[i]n order to avoid further dispute,” Plaintiffs would agree to the Campaign’s proposal to conduct 17 depositions, including depositions of eight class representatives (including Plaintiff Alan Robinson as the Wisconsin class representative), three out of the more than 40 named plaintiffs, and six out of the more than 700 opt-in plaintiffs (though Plaintiffs took the position that even this small number was “unnecessarily cumulative

and burdensome”). Plaintiffs had initially tried to limit the total number of depositions in this putative class and collective action, involving nationwide claims and state-law claims, to no more than 10 and also to limit the length of the depositions to no more than 3 hours each, and relented only after the Campaign repeatedly pointed out how this was insufficient when viewed in light of what has been alleged.

4. The Campaign has expended significant resources producing more than 48,000 documents to Plaintiffs during discovery, including 1,389 documents specific to Plaintiff Alan Robinson. Counsel for the Campaign has also reviewed thousands of documents produced by Plaintiffs and engaged in protracted written discovery, including receiving and responding to (or is in the process of responding to) at least five sets of requests for production of documents, two sets of interrogatories, and one set of requests for admissions from Plaintiffs. Counsel for the Campaign has also conducted fourteen depositions (including of Plaintiff Alan Robinson) and defended four depositions. The Campaign has engaged in this discovery with the intent of meeting the Court’s discovery deadlines so that the matter may progress to a substantive resolution.

5. Attached as **Exhibit A** is a true and correct copy of excerpts from the deposition transcript of Plaintiff Alan Robinson, dated November 1, 2022.

6. I have reviewed the audio-visual recording of the November 1, 2022 deposition of Plaintiff Alan Robinson, and at or about the time marker of 12:51 p.m., he appears to put down his microphone and mouth the words “fucking bitch” at the questioning attorney. The video is available for the Court’s review at its request.

7. Attached as **Exhibit B** is a true and correct copy of a November 1, 2022 post that appeared on Plaintiff Alan Robinson’s Facebook account at approximately 1:38 p.m.

8. Attached as **Exhibit C** is a true and correct copy of November 3, 2022 correspondence that counsel for the Campaign sent to counsel for Plaintiffs.


9. Attached as **Exhibit D** is a true and correct copy of November 23, 2022 correspondence that counsel for the Campaign sent to counsel for Plaintiffs.

10. On December 5, 2022, counsel for Plaintiffs wrote to counsel for the Campaign to ask that the deadline to complete fact discovery be extended 60 days from January 31, 2023, to April 1, 2023, eventually citing “Plaintiffs’ counsel’s trial prep in other cases and the upcoming holiday period.” Their request made no mention of any plan to change class representatives.

11. Attached as **Exhibit E** is a true and correct copy of the January 27-31, 2023 email exchange wherein counsel for Plaintiffs asked the Campaign to consent to the substitution of the Wisconsin class representative.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
February 24, 2023

  
Elise M. Bloom